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NEMA Comments on Notice of Proposed Action 2022 Energy Code Changes, 45-Day Express Terms

Additional submitted attachment is included below.



National Electrical Manufacturers Association

PHILIP A. SQUAIR

Vice President, Government Relations

June 21, 2021

Online via: <https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=21-BSTD-01>

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NEMA Comments on Notice of Proposed Action 2022 Energy Code Changes, 45-Day Express Terms

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Dear Mr. Bozorgchami:

As the leading trade association representing electrical and medical imaging manufacturers, the National Electrical Manufacturers Association (NEMA) submits these comments to the CEC Notice of Proposed Action for the Title 24 Building Energy Efficiency Regulations. These comments are submitted on behalf of NEMA Lighting Division Member companies.

NEMA represents some 325 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 370,000 American jobs in more than 6,100 facilities covering every state. Our industry produces \$124 billion shipments of electrical equipment and medical imaging technologies per year with \$42 billion exports.

We count on your careful consideration of these comments. Our Members look forward to an outcome that meets their expectations. If you have any questions on these comments, please contact Alex Boesenberg of NEMA at alex.boesenberg@nema.org.

Sincerely,

A handwritten signature in black ink that reads "Philip A. Squair". The signature is written in a cursive, flowing style.

Philip Squair
Vice President, Government Affairs

NEMA Comments on Notice of Proposed Action 2022 Energy Code Changes 45-Day Express Terms

NEMA Comments:

1. NEMA is concerned that while the CEC has claimed a desire for its Title 24 code development to be open and collaborative, final decisions about proposed regulatory language are often made without the benefit of informed public review, save the 45-day process.

Many NEMA Members participated in roundtables organized by the CEC or those working on its behalf after the release of the 2019 T24 Energy Code. Participants were asked during those meetings to provide specific examples of the issues designers and installers had with understanding and following the code language. Suggestions were made then on how the language in the code could be simplified and improved. Despite the time spent attending those sessions, it does not appear that the many improvements offered by our Members and others at those sessions have found their way into the subject proposed Express Terms.

We stand by our previous comments¹, that dozens of changes proposed in the new 2022 code are not understood and have not been adequately explained. While perhaps done in spirit of reducing confusion, unexplained changes can tend to personal opinions and create more confusion as a result. By determining which "improvements" should be made in private, the rulemaking process for Title 24 is deprived of decades worth of subject matter expertise available from industry and the public. Unlike the public Title 24 Stakeholders process run by the Investor Owned Utilities (IOU) Codes And Standards Enhancement (CASE) process, in the case of dozens of small changes in the subject proposal CEC staff apparently chose to work without the benefit of public input. Rather than maintain the potential for confusion that these privately developed changes might cause, we reiterate that proposals in the 45-day language that were not workshopped and which lack clear explanation should be pulled from this code cycle and submitted to a more proactive public process to ensure maximum beneficial outcome from these potential changes and a better, more understandable, outcome as a result.

2. We continue to oppose the creation of some 130 added pages of proposed regulations in which CEC proposes to split requirements for high-rise residential structures and non-residential common areas of multi-family projects. While we understand some entities may have advocated for this change, as representatives of our customers who must ultimately conform to the code, these changes only seem to increase confusion. Without expressly stating it, CEC has created differing requirements between these previously harmonized applications. For example, of three corrective comments submitted² by a NEMA Member only one was acted on by CEC staff, leaving two disconnects. It appears that Commission staff *intend* to diverge the two sections. Unfortunately, the formatting used in displaying changes in the 45-Day Express Terms does not adequately capture the modifications to the

¹ <https://efiling.energy.ca.gov/GetDocument.aspx?tn=237046&DocumentContentId=70225>

² <https://efiling.energy.ca.gov/GetDocument.aspx?tn=237110&DocumentContentId=70286> See page 4, regarding Examples 1, 2 and 3.

new section, making it very hard to distinguish differing requirements. To enable better review by those who must conform to and explain the code to others, Commission staff should clearly call these out in 15-day language, and do so in the proposal text itself not bury the explanations in supporting documentation like the Initial Statement of Reasons reference or other secondary document.

3. In Section 130.1(c)8 allowances for the use of captive key card systems in hotels should be struck. These features are too-easily defeated, leaving it impossible to justify them on the ground of energy savings.
4. In Section 130.1(d) the Commission should use the recommended power levels from the CASE Team³, which is 75W instead of 120W as proposed in the 45-Day Express Terms. Conclusion: strike 120W from Exception 3 to Section 130.1(d) and replace with 75W.
5. We agree with the continuance of recognition of equivalency between Joint Appendix 8 and Title 20 qualified lamps for the purpose of conformance to Title 24. As stated in the Initial Statement of Reasons⁴, it was time for a “new generation of light source technologies for residential building lighting applications [to be] considered for their relevancy and physical characters”. Understanding what products may or may not be used for a Title 24 compliant project can still be confusing. We suggest Commission staff provide guidance and examples of lighting products listed to Title 20 which must still meet JA8, perhaps through the Blueprint newsletter or in the Title 24 compliance manual after adoption of the standard.
6. In follow up to the preceding comment, for clearer recognition of products certified to the Title 20 Modernized Appliance Efficiency Database System (MAEDbS) we propose the addition of the words “Title 20 LED Lamps listed in the MAEDbS” or words to that effect, to Table 150.0-A.
7. We agree with the changes made to Section 150.0(k)2F which lowered the threshold for dimming controls from 50 watts to 20 watts. The level of 50 watts was too high and would have essentially eliminated the requirement, causing a backslide in energy efficiency.
8. NEMA supports the comment⁵ filed by Mr. John McHugh of McHugh Energy on May 31, 2021 which opposes increasing the max wattage of Exceptions for parking lots to 78W. While we appreciate and agree with alignment to ASHRAE 90.1, these provisions have existed for several years and manufacturers and designs have accommodated them. There is no reason to relax these requirements. Exception 4 to Section 130.2(c)3 should be struck. Exception 4 to Section 160.5(c)2C should be struck.
9. Some editorial changes are proposed below:
 - a. Page 216pp the proposed replacement of the term “General” with “Controlled” is not an equivalent or clarifying measure. We do not interpret the change as a clarification. The term General should be maintained as it is better and more commonly understood.

³ <https://title24stakeholders.com/wp-content/uploads/2019/06/Daylighting-Control-Threshold-Analysis-Memo.pdf>

⁴ <https://efiling.energy.ca.gov/GetDocument.aspx?tn=237716&DocumentContentId=70938>

⁵ <https://efiling.energy.ca.gov/GetDocument.aspx?tn=238054&DocumentContentId=71309>

- b. Pp221 item 3A(i), does not read well. The first part of the sentence talks about outdoor luminaires while the second part talks about outdoor lighting applications so "other than" doesn't make sense in the text. The words 'other than' in the sentence should be replaced with "not intended for", for sake of clarity.
- c. Exception 3 to Section 110.12(c) refers to General Lighting Power of a space, but should instead refer to Design Lighting Power, as per the CASE report on this topic.